B-clas.

NOTES

MYSORE GOVERNMENT SECRETARIAT

File No. AFD 53 FGN 60

Department of A & F

Section H

Subject:

Disposal of forest land for cultivation and for fruit trees planting in Northern Division Kanara

References:

Date	To whom sent	Notes and instructions

A
7/4/04

3.5.04
14.6.04

ಬಿಡುಗಡೆಯಾಗಿದೆ
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ಅರಣ್ಯ, ಪರಿಸರ ಮತ್ತು ಜೀವಿ
ಶಾಸ್ತ್ರ ಇಲಾಖೆ (ಅರಣ್ಯ-ಬಿ)

Mysore Government Secretariat

AFD 53 FGR 60

File No. of 195

[App. F. III 2

Serial No.	
1	Subject:- Disposal of forest la for cultivation and for fruit trees planting in Honnavar Division, Kanara
2	3/c Please see D no. 12271 dt 23-12-59
3	Previous papers are reported to be not traceable in the Section. In lieu of this, a Copy of GL dt 2/5/59 was got from the CCF.
4	The CCF now therefor requests correction to the GL dt 2/5/59 to be issued.
5	5/c If approved, draft put up may issue.
	Note: (a) 1) The original letter is addressed to Div. Com. Belgaum. Hence the correction should also go to him 3/5/60. RHN 4/5/60
	(b) 2) Which was the G.O. AFD 6 MYP 58 d. 9-5-58? Unless we see these fps, how can we issue the correction?
	HG 4/5.
6	Para 5 a is done. & a Copy of the G.O. no AFD 6 MRP 58 dt 19-5-58 is also put up at p 7/c
	None 5/5. HG 6/5 HG 7.5.60

Note.—Contn. Sheet

File No. AFD 53 FGR 60. of 195 .

Mysore Government Secretariat

	Serial No.	
The letter no. FOR.SR-41 dt 31-12-59 ~~both~~ of the Dl. Comr., Belgaum may be filed in view of ltr at p5/c.	7	
Pl. put up a suitable Notg to Divl. commr	8	
The interpretation given by the Dl. Comr., Belgaum and the CCF on the term 'cultivation' is opposed to that given by the DC North Kanara According to the former, cultivation means and includes ~~the~~ cultivation of food crops only whereas ~~the~~ according to the latter, it also means cultivation of fruit trees (fruit tree planting). In the circumstances LD is requested to interpret 'Agriculture' in relation to cultivation in the light of para 115(b) and (c) of the Bombay Forest Manual, Vol II. For advice	9	
LD)	10	

MYSORE GOVERNMENT SECRETARIAT No. 2486/60-Agri-1 23 MAY 1960 CENTRAL SECTION III

Noted 10/5/60.

Noted 18/5/60. Mark 19/5/60

K 12/5

K 21/5

F. No. 2034 /Cons

See. III 23-5-60

R. S. M. MURTHY, Dy. Secy. Agri & Forest Dept.

WD 04700—GPB—PZS—8,00,000—1958

by 24/V

Sri KPR IV 24-5-

Mysore Government Secretariat

AFD 53 FGW 60

File No. of 195 . [App. F. III 2

Serial No.

F.No. 2034/Law-11

2086/60-opw

Law III

LAW DEPARTMENT

The definition of the word "agriculture" in the Bombay Tenancy and Agricultural Lands Act, 1948, is only for the purpose of that Act. In the present case, the word "cultivation" is used in a widersense. In view of the special provision made in paragraph 8 of the Government Order regarding the lease of land for Cashewnut cultivation, no other type of land need be granted on lease, for Cashewnut cultivation.

A.F. dept)

B. Hanumanthiah 26/5/60
(B. HANUMANTHIAH)
UNDER SECRETARY TO GOVERNMENT,
LAW DEPARTMENT.

12

The above interpretation will be accepted and conveyed to the DL Commr, Belgaum accordingly.

Dfa at p. 19/c.

For perusal before issue

31/5/60.

1/6

Secy) 4/6/

K. S. N. MURTHY,
Dy. Secy. Agri & Forest Dept.

4164
2 JUN 1960
AGRICULT... GOVERNMENT OF MYSORE

B

4/6/2

Note.—Contn. Sheet

No.B3-162-1830/57 Chief Conservator's Office,
Bangalore, dated 10-8-1959.

To

The Secretary to Government,
Agriculture and Forest Department,
Bangalore.

Sir,

Sub:-Disposal of the forest land for cultivation and for fruit trees planting in North Kanara District.

Ref:-Your letter No. AFD 11481-58 dated 2-5-1959.

The "Para" 6" appearing in the last sentence of the Government letter referred to above, appears to be a mistake for 'para 7'. Hence necessary corrigendum may kindly be issued in the matter.

Yours faithfully,

(K.KANNABIRAN)
Chief Conservator of Forests.

AS/6/8

PTO

5

No. AFD 7652/59 dt 26-11-59

Retransmitted to the Chief Conservator of Forests, Bangalore, for making available to Govt a copy of the Govt letter referred to overleaf as the same is not readily available.

Sd/-
Deputy Secretary to Govt
Agriculture Dept

Seen
29/11

Office of the
Chief Conservator of Forests
in Mysore, Bangalore.
No. 023531 Date 2.12.59
Section.

No.B3-162-1830/57-58 Chief Conservator's Office,
Bangalore, dated 22-12-1959.

To

The Secretary to Government,
Agriculture and Forest Department,
Bangalore.

Sir,

Sub:-Disposal of forest land for cultivation and for fruit trees planting in Northern Division Kanara.

Ref:-Your memo No.AFD 7652/59 dated 26-11-1959.

A copy of your office memo No.AFD 11481-58 dated 2-5-59 relating to the above subject is enclosed as desired.

This office reference of even number dated 10-8-59 received along with your memo under reference is retransmitted.

Yours faithfully,

(K.KADAMBI)
Chief Conservator of Forests.

MYSORE GOVERNMENT SECRETARIAT NO. 1221

Copy of letter No.AFD 11481/58 dated 2nd May 1959 from the Secretary to Government of Mysore, Agriculture and Forest Department, Bangalore to the Divisional Commissioner, Belgaum.

Sub:-Disposal of the forest land for cultivation and for fruit trees planting in North KanaraDistrict.

With reference to the endorsement No.CB/FOR SR 41 dated 11-10-58 on the subject noted above, I am directed to state that the presumption regarding clarification of the works 'Blank Area' not apply to the forest lands to be disposed of as per instructions contained in para 6 of the Government order No.AFD 6 MVP 58 dated 19-5-1958 is confirmed.

Copy to the Chief Conservator of Forests in Mysore, Bangalore with reference to Government letter No.AFD 11481/58 dated 29-1-59.

Copy to Deputy Commissioner, Karwar, with reference to his letter No.O/C 4951 dated 8-4-1959.

AS/16/12.

85

Appendix F. G.—1]

SUBJECT as in p. 1/n.

Diary No. of letter replied to .....

Mysore Government Secretariat.

( )

the 195 .

Date of issue.....

Signed by.....

Received
10.5.60

List of enclosures .....

Copied by.....

Examined by .....

Section

File No. AFD 53 FGN 60

Serial No. dt 10.5.60.

No.

To

The CCJ.

Sir,

Reference your letter no B3. 162-1830/57-58 dt 22/12/59 on the subject cited above

The "Para 6" appearing in the last sentence of the Govt letter no. AFD 114 81/58 dt 2/5/59, may be read as 'Para 7' as the former is a ~~mistake~~. Caused owing to typographical error.

Yours faithfully

2/5/60

AWD.

2/5. Copy to the Dl. Comr. Belgaum in continuation of Govt no. AFD 114 81/58 dt 2-5-1959 and to no. FOR SR. 41 dt 31-12-59.

WD 04696—GPB—PZS 8,00,000—22-3-60

S.O.

GOVERNMENT OF MYSORE

AGRICULTURE AND FOREST DEPARTMENT.

G.O. No. AFD 6 MRP 58, dated 19th May 1958.

Kanara Forest Privilege Rules

READ—

Correspondence ending with letter No. A2.2-5-57, dated 4th April 1958 from the Chief Conservator of Forests forwarding the draft on the discussions held on 1st April 1958 in the Chambers of the Minister for Agriculture in the matter of additional privileges in Betta lands, etc., in North Kanara and requesting early orders of Government thereto.

ORDER No. AFD 6 MRP 58, DATED BANGALORE, THE 19TH MAY 1958

Without prejudice to the existing privileges enjoyed by the people of North Kanara in so far as they are not specifically modified or altered by this order, Government is pleased to approve of the draft proceedings annexed to this order.

By Order and in the name of the Governor of Mysore,

P. VENKATARAMAN,
Deputy Secretary to Government,
Agriculture and Forest Department.

To—The Chief Conservator of Forests in Mysore, Bangalore.
The Accountant General, Mysore, Bangalore, through Finance Department.
The Deputy Commissioner, Karwar.
The Conservator of Forests, Belgaum.

Exd—B.G.S.

No. AFD 6 MRP 58, DATED 19TH MAY 1958.

ANNEXURE.

1. Permission to build residential houses in Betta lands.

All encroachments already made in the betta lands by the betta holders for constructing residential houses for their own *bona fide* use should be regularised. In future, however, the betta holders are to obtain permission of the Deputy Commissioner before building such residential houses. In cases where the holders have unauthorisedly constructed houses but have not yet applied for regularisation of the encroachment, time will be given till 31st August 1958 for them to apply for permission. Application for fresh permission shall be invariably acknowledged by the officers concerned and if there is no refusal of the permission within a period of four months after the date of application the betta holder may presume that the permission is granted. With a view to impose strict limitations on the constructions and clearances in bettas a maximum of ten guntas be fixed for building residential houses and if more than one building is to be built in the same holding by the betta holders, all such buildings should be built, as far as possible, in a compact block. The buildings constructed shall not be for hire or for use by persons other than the betta holders. No extra betta land will be given for compensating the area utilised for such buildings.

2. Cultivation of Betta lands.

All the existing cultivations in Betta lands and encroachment by way of cultivation in forest lands should be regularised but in respect of future cultivation of the betta lands utilised for taking the earth for the betelnut gardens, a maximum of ten guntas should be fixed. As it was represented at the meeting held in Sirsi that the area that would be fit for cultivation would be five guntas per holding in about 20 or 30 years, the maxima of 10 guntas now fixed is reasonable. Where the land already cultivated is 5 guntas or less per holding, the holder will be permitted to cultivate it without paying any upset price but he will pay assessment for such lands. Where the extent of land so cultivated is more than 5 guntas, an upset price equal to the value of the land before cultivation will be levied. In such cases no extra betta lands to compensate for the area cultivated will be given. The upset price to be fixed would be Rs. 100 per acre. In cases of unauthorised cultivation of paddy, sugarcane or other crop the upset price should be fixed at a reasonable price not exceeding Rs. 100 (Rupees one hundred). Special staff will be employed to regularise the encroachment so far made within a period of 6 months of this order the cost of which will be borne by the encroachers whose cases are now regularised. Cases of encroachments by betta holders and non-agricultural use of betta lands already disposed of should also be reopened and disposed of on the above principles. In cases where more than one person is cultivating a holding each person will be entitled to cultivate without payment of upset price that fraction of 5 guntas which his land bears to the total holding.

3. The deficiency of Betta lands.

In the upghat taluks in cases where betta lands are below the standard required and suitable lands in protected forests are available, the deficiency shall be made up up to eight acres of betta to per acre of garden land. In the below ghat taluks it would not be possible to allow additional betta land due to paucity of suitable land in protected forests. Wherever suitable forest lands are available, these should be given out for Arecanut gardens as Betta lands in below ghat taluks. Both the Forest and Agriculture Departments should advise the betta holders on the better methods of maintaining the betta land and of lopping soppu so that the requisite green manure is obtained from as small an area as possible. For the purpose the question of reviving the post of *Betta Officer* abolished long back may be taken up by the Chief Conservator of Forests with the Government.

4. Maintenance of Betta lands.

In view of the concessions given to the betta holders there is a corresponding responsibility on their part to see that the bettas are maintained in proper condition. They should see that at least 40 trees per acre of which at least 20 trees should be of the reserved species, of not less than 12" to 18" diameter, at breast height are maintained evenly spaced in the betta area. If the number is below this standard the betta holder should plant and rear at his own cost in the betta as many trees of suitable species to make up the required number of reserved and other trees prescribed above. If after 5 years the above minimum number of trees are not grown by the betta holder he would be liable to pay a penalty of Rs. 10 per acre and the cost of departmental planting of the trees limited to Rs. 50 per acre. The betta holder should be entitled to 1/3 of the trees planted including reserved species for his own use free of any cost or the 30 per cent of the value of the timber if the Government takes it. The Forest Department would arrange for supply of seedlings, saplings, at cost price where the betta holder undertakes to plant.

No. AFD 6 MRP 58, dated 19th May 1958.

At present in many cases, the gardeners have got samaik rights (common rights) over the betta land assigned to their holdings. This has resulted in great negligence in the maintenance of Betta lands on the one hand and to constant litigation and quarrels on the other. Such betta lands where at present more than one gardener have got common rights should be divided on the basis of the area of garden belonging to such gardeners according to the fixed ratio as far as possible, taking also into consideration the adjacency or proximity of the betta land assigned to the respective cultivators of garden. The cost involved in this division of betta land should be borne by the concerned gardeners proportionately. The Tahsildar or the Assistant Commissioner may be entrusted to do this work with the help of the special staff and the work should be completed within one year from the date of this order.

5. Removal of fuel.

The permit fee for removal of firewood in cartloads will be Re. 1 per cartload. The firewood removed shall be for the *bona fide* use of the permit holder only as provided in the permit rules and not for sale or barter in such places where Fuel Depots are run by Government. As for the removal of firewood by headloads on permits, the existing practice in various places in the District will continue.

6. Fixing of Hasal Rates.

Hasal rates should be fixed at three times the existing permit rates or the current market rates whichever are less. The concession is confined only to agriculturists of Kanara to build residential houses in the villages. The concession will not apply to the residents of towns where timber depots are run by Government. Applications for Hasal permits should be sent to the District Forest Officer by the end of September every year and such application shall invariably be acknowledged and finally disposed of within six months from the date of application. Permits should be given for the grant of Timber according to the bonafied requirements of the applicants. Cases of all persons in Kanara whose gross income is less than Rs. 3,000 should be considered as cases of "extreme distress and poverty" under Rule 17(5) of the Kanara Permit Rules and they should be held as eligible for getting timber permits at half the permit rates, for their bonafide requirements, irrespective of the fact whether the timber applied for could conveniently be obtained from depot or at an auction or otherwise [permit rule 5(4)]. Cases of misuse of the timber on permits, *e.g.*, its sale, misappropriation, etc., should be severely punished by suitable conditions imposed on the permit holder, in addition to recovering the full permit value of the timber so misused. Arrangements should also exist for proper and prompt issue of permits, their checking and supervision. (A list of permit rates revised on the basis of this decision is annexed).

7. Release of land for cultivation.

Applications for lands should be disposed of as quickly as possible but in no case the final disposal be delayed over 6 months in ordinary cases. If the area notified by the Forest Department is not suitable for cultivation because of their being in the interior they will be surrendered to Forest Department. Every application for Forest land for cultivation should be considered on its merits by the Deputy Commissioner and concurrence of the Forest Department be obtained and the land be granted subject to usual condition wherever it is feasible whether the area asked for is a notified area or not. If there are applications which have been rejected just because they are not in the notified area, they should also be examined on merits and disposed of irrespective of whether the areas asked for are notified or not. If forest land is applied for cultivation particularly where the area is adjacent to already cultivated area or very near to it and within the vicinity of habitated village, the land may be granted (with the concurrence of the Forest Department). The Forest Department may apply to Government for the additional staff required in this connection.

8. Slopes for cashewnut Cultivation.

Land on steeper slopes which is denuded and open should be leased out for planting cashewnut. The planting in such areas shall be according to the conditions imposed by the Forest Department to be embodied in the lease containing all other conditions.

9. Publicity of Privileges.

In order to make the villager aware of the main privileges sanctioned by Government in the District, a small pamphlet in Kannada should be brought out setting forth the general and important privileges he is permitted to exercise in the forest.

No. AFD 6 MRP 58, DATED 19TH MAY 1958.

ANNEXURE.

Statement showing the enhanced permit rates (*i.e.*, three times the existing permit rates or market rates, whichever are less) to be brought into effect immediately.

SCHEDULE I.

(Referred to in rules 4 and 10 of Kanara Forest Permit Rules).

RESERVED TIMBER TREES.

Sl. No.	Species		Rates prevailing per kandy of 12·50 C.ft.	Enhanced rates per kandy of 12·50 C.ft.
	Local name	Botanical name		
1	2	3	4	5
	Part 2.			
			Rs. nP.	Rs. nP.
1	Honne ...	Pterocarpus marsupium ...	9 00	27 00
2	Balgi ...	Vitex altissima ...	6 00	18 00
3	Jhall ...	Shorea talura ...	6 00	6 25
4	Matti ...	Terminalia tomentosa ...	9 00	27 00 †
5	Nandi ...	Langerstroemia Lanceolata ...	9 00	27 00
6	Kajri ...	Strychnos nux-vomice ...	6 00	12 50
7	Surhonne ...	Calophyllum tomentosum ...	9 00	27 00
	The following three species have been excluded since no permits are to be issued for the species.			
	Karimuttal ...	Ougeinie dalbergioides ...	...	...
	Shivani ...	Gmelina arborea ...	...	...
	Kirabogi or Kaigirgi ...	Hopea parviflora ...	...	...

† *Remarks.*—The *bona fide* residents of Kanara whose gross annual income is less than Rs. 3,000 (three thousand) should be given timber at half the revised permit rates shown in Column 5 of the statement.

13

No. AFD 6 MRP 58, DATED 19TH MAY 1958.

SCHEDULE II

(Referred to in rule 10 of the Kanara Forest Permit Rules)

UNRESERVED TIMBER TREES.

Sl. No.	Species		Rates prevailing per kandy of 12·50 C.ft.	Enbanced rates per kandy of 12·50 C.ft.
	Local name	Botanical name		
1	2	3	4	5
		First Class	Rs. nP.	Rs. nP.
1	Phanas ...	Artocarpus integrifolia ...	4 00	12 00
2	Jamba ...	Xylis xylocarpa	4 00	12 00
3	Mashir or phudgus ...	Alseodaphne semicarpifolia ...	4 00	12 00
4	Nanja or Bokli ...	Mimusops alengi ...	4 00	12 00
5	Heddi ...	Adina cordifolia ...	6 00	18 00
6	Sagdi ...	Schleichera trijuga ...	4 00	12 00
7	Kavanchi ...	Bridelia retusa ...	4 00	6 25
8	Kalamb ..	Stephegyne parvifolia ...	4 00	12 00
9	Godhunshe ...	Albizzia odoratissima .	4 00	12 00
10	Siris ...	Do lebbek ...	4 00	12 00
11	Belati ...	Albizzia procera	4 00	12 00
12	Kharsing or gensu ...	Sterospermum Xylocarpum ...	4 00	12 00
13	Hongal or Kibul ...	Terminalia paniculata ...	4 00	12 00
14	Holematti ...	Terminalia arjuna ...	4 00	12 00
15	Dadsal ...	Grewia tiliaefolia ...	4 00	12 00
16	Dindal ...	Angeissus latifolia ...	4 00	9 37
17	Womb ...	Saccopetalum tomentosum ...	4 00	9 37
18	Haiga or Kabsi ...	Hopea wightiana ...	4 00	12 00
19	Kanjuti ...	Adenanthera pavonina ...	4 00	9 37
20	Mhowra ...	Bassia laitfolia ...	4 00	9 37
21	Moha or ippi ...	Bassia longifolia ...	4 00	9 37
22	Bobbi or irai ...	Calophyllum wigh-tianum ...	4 00	12 00
23	Sampige ...	Flacourtia montana ...	4 00	6 25
24	Hebbalasu or patphanas ...	Artocarpus hirsuta ...	4 00	12 00
	The following three species have been excluded since no permits are to be issued for the species.			
	Devdarlal ...	Chikrassia tabularis ...	...	...
	Devdarpandra ...	Cedrela toona ...	...	...
	Wonte ...	Artocarpus lakoocha ...	...	...
		Second Class.		
		All trees not reserved under Schedule I or entered under the other tree classes.	2 00	6 00
		Third Class.		
1	Atti or umbar ...	Ficus glomerata ...	1 25	3 75
2	Banyam ...	Ficus bengalensis ...	1 25	3 75
3	Hasri ...	Ficus infectoria ...	1 25	3 75
4	Goli ...	Ficus mysorensis ...	1 25	3 75
5	Pipal ...	Ficus religiosa ...	1 25	3 75
	The following species (3) have been excluded since no permits are to be issued for the species.			
	Ante ...	Spondias mangifera ...	...	...
	Savri ...	Bombax malabaricum ...	...	...
	Jermala ...	Tetrameles nudiflora ...	...	...
		Firewood.		
	Firewood ...	... .	0·25 per cart load	1·00 per cart load.

WD 642—GPB—481—30-6-58.

Subject :- Grant of forest land for fruit cultivation.

--v--

No. F.O.R.S.R.-41.
Belgaum, 31st Dec. 1959.

The Secretary to Government,
Agriculture and Forests Deptt.
Bangalore.

Sir,

Reference Government Order No. AFD 6 MRP 58, dated 19th May 1959.

I forward herewith a copy of letter No. S.105/1/425, dated 11-8-1959 from the Deputy Commissioner, Kanara with a request to move Government to clarify the point raised by him. I however consider that the directions contained in para 7 of the Govt. Order under reference read with Govt. letter, Agriculture and Forests Department No. AFD 11481-58, dated 2-5-1959 pertain to release of forest land for crop cultivation and not for fruit tree planting. According to the policy so far followed in this connection, only land with gentle slopes in Minor Forests in Kanara district was given out for fruit tree plantation. (Please vide the Govt. of Bombay's orders contained in their Resolutions No. FLD 1054, dated 12th January 1955 and No. FDM-1054, dated 28th Jan. 1955 (Para 7(c), Besides para 8 of the Govt. order under reference also pertains to fruit tree planting on steeper slopes in forest areas. However the orders may be clarified as requested above. In this connection I enclose a copy of letter No. A.2(a)2-5/57, dated 5-12-1959 from the Chief Conservator of Forests.

Yours faithfully,

(B.G. Kaujalgi)
for Divisional Commissioner,
Belgaum.

D.C. signed
by. Commr.

B/

Copy of Deputy Commissioner, N.Kanara's letter No. S.105/1/425, dated 11-8-1959, addressed to the Divisional Commissioner, Belgaum.

--v--

Subject :- Grant of forest land for fruit cultivation.

In submitting herewith the papers of the case (pages 1 to 35) I am to state as under :-

In this case, one Shri Babu Rama Gouda of Binge has applied for the grant of one acre of land out of F.S. No. 16A of Binge in Karwar taluka for the purpose of fruit cultivation. The Divisional Forest Officer, W.D. Kanara who was referred to in the matter does not recommend the grant on the ground that there are 5 mango trees in the area and that it is not "blank" for the purpose of release for fruit cultivation vide page 35.

The area as can be seen from the sketch at page 27 is adjacent to the area already cultivated and is available for release as per orders contained in para 7 of Govt.Order No. AFD 6 MRP 58, dated 19-5-1958 and the words "Blank Area" do not apply to the forest land to be disposed of under para 7 of the above Government orders vide clarification made under Govt. letter No. AFD 11481-58, of 2-5-1959.

The matter was discussed in the Co-ordination Committee meeting on 6-7-1959 and again on 5-8-1959. The Divisional Forest Officer is of the view that the orders contained in para 7 of Govt. Order No. AFD 6 MRP 58, dated 19-5-1958 and clarification of blank area made under Govt. letter No. AFD 11481-58, dated 2-5-1959 do not apply to release of land for fruit cultivation. Further he interprets that the word cultivation referred to in the Govt. Order dated 19-5-1958 does not include fruit cultivation. I am unable to agree with his interpretation as cultivation includes fruit cultivation. This view is supported by the definition given in Section 2(1) of

of the Bombay Tenancy and Agricultural Lands Act. It is laid down therein that 'agriculture' includes horticulture and 'to cultivate' means to carry on any agricultural operation as defined in Section 2(5) of the said Act.

With a view to implement the Government Policy of cashew cultivation, the Cashew Development Officer, Mangalore, has fixed a target of 2000 acres for 1959-60 and 3500 acres for 1960-61 for this district and with a view to make this area available, lists of forest areas which are useful for the purpose have been supplied to the Divisional Forest Officers by me for notifying the areas as available for release for cultivation. This being the case, if the Forest Department is not liberal in the release of land and sticks up to its own interpretation, it is doubtful whether the target for cultivation of cashewnut would be achieved.

As this is a matter of general importance, I am referring the matter to you for clarification of the word 'cultivation' under para 115(b) and (c) of the Bombay Forest Manual, Volume II. The present case satisfies all other conditions regarding grant of the area and there are too many other cases of the type pending disposal.

Early instructions are solicited.

....

B/

Copy of Chief Conservator of Forests, Bangalore's letter No. A2(a) 2-5/57, dated 5-12-1959 addressed to the Conservator of Forests, Belgaum Circle Belgaum and copy endorsed to the Divisional Commissioner, Belgaum.

--v--

Subject :- Grant of land for fruit tree cultivation.

Your letter No. 22/375/2429, dated 28-10-1959.

In para 4 of his letter, the Deputy Commissioner states that unless Forest Department becomes liberal, it would be difficult to achieve the target fixed by Government regarding cashew cultivation. If the land applied for by Sri Baba Rama Gowda is for cashew cultivation, the Deputy Commissioner may be requested to refer to para 8 of the G.O. No. AFD 6 MRP 58, dated 19-5-1958. According to the provisions of this para, it is upto the Forest Department to lease out the land for cashew cultivation and the Revenue Department has nothing to do in regard to grant of Forest land for cashew cultivation under the above Government Order.

2. As regards grant of land for fruit cultivation, the grant has to be made in accordance with Bombay Government Resolution, Agricultural and Forest Department No. FLD 1054 dated 12-1-55 read with Mysore Government Order No. AFD 250 DST 57, dated 19-6-58 and AFD 11481-58, dated 2nd May 1959. The term "Fruit tree cultivation" used by the Deputy Commissioner, according to the above mentioned Govt. orders mean the land required for fruit trees plantation. Thus there is no scope to attach any other meaning to the term cultivation used in the G.O. No. AFD 6 MRP 58, dated 19-5-58, other than cultivation of land for growing food crops. The assertion of the District Forest Officer, W.D. Kanara in this context is probably correct.

....

B/

18 19

Appendix F. G.—1]

SUBJECT Grant of forest land for forest cultivators.

Diary No. of letter replied to .....

Mysore Government Secretariat.

( )

the *195*

Date of issue.....

Signed by..... Issued 13/6/6

List of enclosures .....

Copied by.....

Examined by .....

Section

File No. AFD 53 FGN 60

Serial No. 13/6/6

No.

To

The Divisional Forest Officer, Belgaum Dn, Belgaum.

Sir,

Ref: your letter No. FORSR-41 dt 31-12-59 on the above Subject.

The definition of the word "agriculture" in the Bombay Tenancy and Agricultural Lands Act 1948, is only for the purpose of that Act. In the present case, the word "Agriculture" is used in a rider Lease. Conditions of the special provisions made in paragraph 8 of the Govt order no. AFD 6 FRP 58 dt 19th May 58, regarding the lease of land for Cashewnut Cultivators, no other

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type of land need be granted on lease, for Cashcrop cultivation.

I am therefore to request you kindly to take action accordingly.

Yours.

D/S. DDO

Copy to
1) The CEO
2) The D.C. N. K. Kaabong

for Secretary

D/S